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FOLLOW-UP TO THE RECOMMENDATIONS OF THE THIRTEENTH MEETING OF CHAIRPERSONS

Report of the secretariat

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Introduction

1. The present report has been prepared by the secretariat to update the chairpersons on the implementation of the recommendations adopted at their thirteenth meeting in June 2001, as well as to provide background information on some of the issues to be discussed at their fourteenth meeting, to be held from 24 to 28 June 2002.

I. REVIEW OF RECENT DEVELOPMENTS RELATING TO THE WORK OF THE TREATY BODIES

A. Honorariums

2. In paragraph 81 of the report on their thirteenth meeting (A/57/56), the chairpersons strongly recommended that the chairperson of the thirteenth meeting should address a letter to the Secretary-General, in follow-up to the one sent in 2000 by the chairperson of the twelfth meeting, concerning the equal payment of honorariums to members of all treaty bodies. A letter was duly sent on 15 August 2001, requesting the Secretary-General's assistance in the matter (a copy of this letter has been provided to all treaty body chairpersons). The question of equal payment of honorariums to members was on the agenda of the fifty-sixth session of the General Assembly, which adopted resolution 56/272 of 27 March 2002 in which the Assembly decided, with effect from 6 April 2002, to set at a level of one United States dollar (US$ 1) per year all honorariums currently payable on an exceptional basis to the members of the International Law Commission, the International Narcotics Control Board, the United Nations Administrative Tribunal, the Human Rights Committee, the Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child.

B. Attendance at meetings of United Nations organs during the consideration of treaty bodies' reports

3. The chairpersons unanimously adopted a decision that treaty body chairpersons, or designated members, would attend meetings of the United Nations organs to which their reports were submitted at the time that the reports were considered. They requested the Office of the High Commissioner for Human Rights to provide the funding, if necessary through the Plans of Action (A/57/56, para. 82).

4. According to the secretariat of the Third Committee of the United Nations General Assembly, the presentation of an annual report by a member of a treaty body to the General Assembly is not a right, but a privilege. At meetings of the Third Committee, the chairperson or other member of a treaty body could be present as a member of his or her national delegation and would not automatically be entitled to present the report of the treaty body of which he or she is a member.

5. With regard to financing such participation, no funding has been raised under the 2002-2004 Programme to Support Human Rights Organs and Treaty Bodies, into which the Plans of Action of the various treaty bodies have been incorporated.

C. Durban Declaration and Programme of Action

6. The chairpersons agreed at their thirteenth meeting that a common statement by the treaty bodies should be made to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and that such a statement be made on their behalf by the chairperson of the thirteenth meeting. This statement was prepared and sent to Durban.

7. At the third joint meeting of chairpersons with the special procedures mandate holders in June 2001, the participants agreed that the fourth joint meeting should be devoted in part to a joint discussion on the role of the human rights mechanisms in the follow-up to the World Conference. The secretariat has prepared an informal background note on this subject (HRI/MC/2002/Misc.4), containing a summary of information provided by the Anti Discrimination Unit of OHCHR, which was created as a follow-up mechanism to the World Conference, as well as information provided by treaty body and special procedures secretariats on initiatives undertaken so far to give effect to the Durban Declaration and Programme of Action in carrying out their functions.

D. United Nations Decade for Human Rights Education, 1995-2004

8. The United Nations Decade for Human Rights Education, 1995-2004, was proclaimed by the General Assembly in 1994 in resolution 49/184. The Assembly welcomed the Plan of Action for the Decade and called upon the High Commissioner for Human Rights to facilitate its implementation. The Decade is based upon the relevant provisions of the international human rights instruments, including article 26 of the Universal Declaration on Human Rights; article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR); article 29 of the Convention on the Rights of the Child; article 10 of the Convention on the Elimination of All Forms of Discrimination against Women; article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination; paragraphs 33 and 34, of Part I of the Vienna Declaration and Programme of Action and paragraphs 78-82 of Part II.

9. In accordance with those provisions, and for the purposes of the Decade, human rights education has been defined as training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes directed to:

(a) The strengthening of respect for human rights and fundamental freedoms;

(b) The full development of the human personality and the sense of its dignity;

(c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;

(d) The enabling of all persons to participate effectively in a free society;

(e) The furtherance of the activities of the United Nations for the maintenance of peace.[1]

10. The Plan of Action for the Decade sets out detailed objectives for the international community: the assessment of needs and formulation of effective strategies; the building and strengthening of programmes and capacities for human rights education at international, regional, national and local levels; the coordinated development of effective materials; the strengthening of the role and capacity of the mass media; and the global dissemination of the Universal Declaration of Human Rights.[2]

11. The Secretary-General and the High Commissioner subsequently, reported annually to the General Assembly on progress made on its implementation. Activities have been undertaken to implement the Plan of Action and according to the High Commissioner's report to the General Assembly on the mid-term global evaluation of the progress made towards the achievement of the objectives of the Decade (A/55/360), some of the trends that could be discerned after an overall analysis of information received from international organizations were the following (ibid., para. 128):

(a) Although several international and regional intergovernmental organizations are undertaking activities for human rights education, there is inadequate coordination among the relevant focal points, where they exist;

(b) Since the proclamation of the Decade, several intergovernmental organizations, notably some within the United Nations, have affirmed their support for the Decade. There remains, however, a large gap between the resources allocated to activities for human rights education by such institutions and their affirmation of support. The additional resources that would enable them to develop programmes within the framework of the Decade have been rarely available, and the information sent to the High Commission has referred mainly to their ongoing activities;

(c) Although entrusted with the worldwide coordination of the Plan of Action for the Decade, OHCHR was not assigned additional financial resources. To carry out a minimum set of activities, the Office relies on unearmarked voluntary funds; activities for the Decade compete for resources with the other priorities of the Office;

(d) The potential role of the United Nations human rights treaty bodies in monitoring the obligations of States in regard to human rights education has not yet been fully exploited;

(e) The review indicates that international organizations, both governmental and non-governmental, have not fully appreciated and utilized the potential for mobilization offered by the Decade.

12. One of the recommendations made in the report (para. 171) was that United Nations treaty bodies should emphasize the obligations of States parties with regard to human rights education by actively seeking detailed information during their review of the reports of States parties. Inadequacies in addressing priority target audiences should consistently be identified by treaty bodies as an area of concern. In addition, treaty bodies should perform a clearing-house role by sharing with Governments approaches and strategies that have proven successful elsewhere, and should keep OHCHR informed of major national developments in human rights education.

13. In General Assembly resolution 56/167 and Commission on Human Rights resolution 2002/74 on the Decade, the importance of strengthening international and national programmes and capacities in the area of human rights education, in particular within the framework of the Decade, was emphasized. In addition to making recommendations and suggestions addressed to Governments, the Assembly and the Commission encouraged the human rights treaty bodies, when examining reports of States parties, to place emphasis on the obligations of States parties in the area of human rights education and to reflect that emphasis in their concluding observations.

II. STATUS OF THE OHCHR ANNUAL APPEAL 2002 AND THE 2002-2004 PROGRAMME TO SUPPORT HUMAN RIGHTS ORGANS AND TREATY BODIES

14. The present section outlines the status of OHCHR efforts to raise extrabudgetary funds for the treaty bodies and to implement the activities for which such funds are raised.

15. The Plans of Action for strengthening the human rights treaty bodies serviced by OHCHR were conceived by the treaty bodies as a means of securing additional resources for a range of functions and activities that were inadequately funded, or not funded at all, under the United Nations regular budget. The three approved plans of action - for the Committee on the Rights of the Child (CRC), the Committee on Economic, Social and Cultural Rights (CESCR), and the one for the Human Rights Committee (HRC), the Committee on the Elimination of Racial Discrimination (CERD) and the Committee against Torture (CAT) - were converted into a biannual "project", in which priorities and expected outputs for the years 2000 and 2001 were specified. All the projects which OHCHR seeks to implement in a given year for which extrabudgetary funds are sought are compiled in the Annual Appeal to donors. Accordingly, fund-raising for part I of the project for the treaty bodies (for the year 2000) took place through the Annual Appeal 2000, and for part II, through the Annual Appeal 2001.

16. To date, to implement the objectives of the project in 2001, 14 Professional and 3 General Service staff have been recruited to strengthen the support provided to the treaty bodies. The primary activities of project staff were related to the strengthening of the research and analysis capacity of the secretariat in providing support to the relevant treaty bodies in their consideration of State party reports, as well as to deal in an integrated fashion with individual communications procedures for HRC, CERD and CAT. To ensure the latter, a Petitions Team was created, staff of which are largely funded through the project. Research and analysis included the preparation of country analyses and profiles, as well as lists of issues with regard to the countries to be examined by the various treaty bodies. As a result of this additional support, the reduction of the time lag for the consideration of State party reports to between 18 and 24 months, which had been achieved as a result of the plans of action, has been maintained. The backlog of individual communications has been eliminated, except for those in Russian. Incoming complaints are now dealt with in a timelier manner, with over 80 per cent addressed within 10 days of their arrival at OHCHR.

17. As an additional support activity for treaty bodies, several consultants have been contracted so as to provide additional expertise in specific areas, including:

(a) The drafting by a consultant of a concept paper in preparation for a workshop on juvenile justice to be convened by OHCHR in 2003;

(b) The hiring of a consultant to provide assistance to CESCR with regard to the preparation of a statement on article 15 (1) (c) of the ICESCR regarding intellectual property and human rights, which was adopted at its twenty-seventh session held in November 2001;

(c) The holding in September 2001 by CRC of a day of general discussion on the topic of violence against children within the family and in schools, for which some financial support for the travel of facilitators was provided;

(d) The hiring of a consultant to complete the copy preparation of the *Selected Decisions of the Human Rights Committee*, Volume III, in English;

(e) In the framework of support to CRC, the hiring of a consultant to assist in the preparation for publication of the legislative history of the Committee.

18. In the framework of support to the work of the treaty bodies, several activities were carried out for the benefit of committee members, including the organization of an induction day for four new members of CRC, and a briefing by a member of the HRC of members of CAT on methods employed in reviewing individual complaints, including interim measures of protection.

19. Project activities also included conceptual planning for the first inter-committee meeting, scheduled to be held from 26 to 28 June 2002.

20. Finally, information technology with regard to treaty body information has been greatly enhanced. Improvements to the treaty body database have been completed and the complaints database is now fully operational. The complaints as well as the treaty body databases were installed at the Division for the Advancement of Women at Headquarters in order to facilitate information-sharing and ensure timely updating of information of the Committee on the Elimination of Discrimination against Women (CEDAW) in the treaty body database. Moreover, it is envisaged that the complaints database will enable the CEDAW secretariat to avail itself of the acquired experience of OHCHR in processing individual complaints.

21. Of the four objectives originally laid out in 1999, three have been entirely or partially met while the fourth remains to be dealt with. The reduction of the delay in dealing with State party reports to between 18 and 24 months has been maintained, to a large part facilitated by the increased substantive support provided by the secretariat, for instance by providing country analyses to committee members. While falling short of the envisaged reduction to 12 months, this represents a substantial improvement over the 36 months that was the norm prior to 1999.

22. New complaints are now dealt with in a timelier manner although efforts to improve the response capacity remain on the agenda. Complainants receive a response within two weeks of having addressed themselves to OHCHR. New cases continue to take longer than desirable to be considered by the HRC; however, finalized decisions are now adopted within slightly over 24 months of receipt, which is a great improvement compared to the situation in 1999. Nevertheless, this remains far from the desired target for the finalization of cases of within 18 months of receipt.

23. The fully operational complaints database allows cases and correspondence to be tracked and documents required by the treaty bodies to be generated, including lists of summaries, summary checklists and follow-up progress reports. The report-generation facility of the database has been improved through the permanent availability of the information present in the database, relating for instance to the calendar of sessions and the reporting history of States parties, as well as the possibility of sorting according to certain criteria, i.e. by pending reports. Currently, the complaints database is available to OHCHR staff through Lotus Notes and HURICANE; it is also envisaged to make this information available on the Internet.

24. Having decided that the plan of action for HRC, CERD and CAT should include a provision for the organization of a working-level inter-committee meeting, the chairpersons identified "methods of work" and "reservations to treaties" as topics for such a meeting. The first is so vast that the specific matters to be dealt with needed to be more clearly identified. Therefore, in order to develop a productive agenda, the secretariat has engaged in in-depth internal discussions about those specific working methods that could be harmonized. The results were elaborated in a background document for the inter-Committee meeting (HR1/ICM/2002/2) that focuses on the varying approaches of the treaty bodies with respect to the reporting process, including the use of lists of issues, the method of adopting concluding observations, the country rapporteur system, as well as the issue of focused versus comprehensive reports and follow-up to concluding observations.

25. Regarding efforts by OHCHR to conduct, test and implement new initiatives to improve the follow-up to Committee recommendations, owing to financial constraints, progress was made only towards the end of 2001, resulting in the recruitment of a first Human Rights Follow-up Officer in the first quarter of 2002. Follow-up to concluding observations will receive heightened attention in the new project for 2002-2004.

26. The project was never fully funded, which created difficulties in that priorities had to be established within the project, thus reducing its scope. Implementation of certain components began some 10 months into the project and follow-up activities remain a priority for the next project cycle, as funding has been insufficient to initiate recruitment of the required staff. In addition to financial constraints, a series of difficulties were faced in attracting qualified candidates for the more technical positions such as the project coordinator and information technology posts.

27. For the period 2002-2004, the plans of action project was incorporated into the Programme to Support Human Rights Organs and Treaty Bodies. The point of departure of the Programme will be the situation analyses and activities foreseen in the three approved plans of action, as well as the recommendations made by the Commission on Human Rights within the context of the reform of mechanisms.

28. It should be clearly stated that the problems concerning the implementation of the treaties are complex, requiring a sustained effort over a long period of time and involving a range of actors in a number of different areas to address urgent, immediate needs, as well as to achieve a long-term structural overhaul. Many of the possible courses of action still need to be tested and reflected upon. In this context, the present three-year programme focuses on specific areas of action which are considered to be priorities and where an impact may be expected to be achieved; the exploration and testing of some long-term measures will provide the basis for structural improvements and future programmes. OHCHR has identified the following strategic impact areas for the 2002-2004 programme.

29. First, it aims to continue providing strengthened **support to treaty bodies for the reporting process** and for the general functioning of the treaty bodies, as well as enabling effective coordination and cooperation among all the treaty bodies in their efforts to better rationalize their work and procedures.

30. The programme also aims to **enhance OHCHR's capacity to deal expeditiously with individual complaints about human rights violations**. As a priority, OHCHR will concentrate on eliminating the processing backlog in respect of cases awaiting consideration by HRC. This is the result of the backlog in correspondence that was undertaken within the context of the 2000-2001 project. To avoid simply transferring the problem to the other end of the chain, where a backlog of processed cases would be awaiting examination by HRC, the Committee has requested, in its 2001 annual report to the General Assembly, that it be authorized to meet for an additional week in 2002. This request was authorized, and an additional week will be added to its session in October 2002.

31. Furthermore, the programme aims to **strengthen the capacity of the system to provide support to follow-up activities**, both in relation to concluding observations of the treaty bodies and the views expressed under the individual complaints procedures. It will seek to test and implement new initiatives to improve the follow-up by States parties to the committees' concluding observations and recommendations.

III. FIFTY-EIGHTH SESSION OF THE COMMISSION ON HUMAN RIGHTS

32. The chairpersons will have at their disposal a chart prepared by the secretariat on the resolutions and decisions adopted by the Commission on Human Rights at its fifty-eighth session that refer to the human rights treaties, as well a chart on studies and reports entrusted to special rapporteurs of the Sub-Commission on the Promotion and Protection of Human Rights. The chairpersons will also be provided with an informal note prepared by the secretariat on the deliberations of the Commission under agenda item 18 (a), entitled "Effective functioning of human rights mechanisms: treaty bodies" (HRI/MC/2002/Misc.2).

IV. COOPERATION WITH SPECIALIZED AGENCIES, FUNDS AND PROGRAMMES

33. The present section provides an overview of activities and developments with regard to the cooperation between the human rights treaty bodies and the specialized agencies, funds and programmes. In addition to the traditional cooperation between treaty bodies and agencies, such as the International Labour Organization, the Office of the United Nations High Commission for Refugees, the World Health Organization, and UNICEF, OHCHR has explored new possibilities of cooperation during the reporting period as described below.

34. On 8 May 2001, an informal inter-agency meeting on United Nations cooperation with the human rights treaty bodies was organized by the United Nations Development Programme as a follow-up to discussions during a high-level inter-agency meeting on implementing a human rights approach in the context of United Nations reform, which took place in Princeton, NJ, United States of America from 24 to 26 January 2001. The informal meeting was organized with a view to sharing current practices in United Nations cooperation with the treaty bodies and to identifying possible steps toward systematizing United Nations support in the future. Focus was on the Committee on Economic, Social and Cultural Rights, which was identified by UNDP as one of the treaty bodies with which cooperation could be initially explored.

35. During the informal meeting there was an exchange of views on the state of cooperation between the various agencies and the treaty bodies, as well as on how the relationship between the agencies themselves, especially in the field, impacts on how such cooperation should be formulated. One specific issue discussed was a questionnaire on economic, social and cultural rights to be drafted jointly by the secretariat of the Committee on Economic, Social and Cultural Rights and UNDP Geneva, that would aim to solicit high quality, relevant and country-specific information from UNDP country offices. Participants expressed the need for further meetings and discussions before a decision could be made as to the feasibility of the questionnaire, given that UNDP often has close working relationships with other agencies at the national level, and the questionnaire would therefore indirectly impact upon their work as well. The minutes of this informal meeting will be available to the chairpersons.

36. During the thirteenth meeting, the chairpersons met with representatives of specialized agencies, funds and programmes to discuss specific actions taken by their respective organizations to follow up at the national level on the concluding observations adopted by the treaty bodies on specific country situations.

37. A second informal inter-agency meeting was held on 7 December 2001, this time organized by OHCHR, as a continuation of the dialogue begun at the meeting in May 2001. The second meeting focused in particular on follow-up by United Nations bodies, specialized agencies, funds and programmes of the concluding observations of the treaty bodies, as well as on improving collaboration among the agencies with regard to the treaty bodies. The four main subjects discussed were: the need to identify the strengths and weaknesses of the relationship of the agencies with the treaty bodies; the potential role of the Common County Assessment and the United Nations Development Assistance Framework (CCA/UNDAF) process and the United Nations Country Teams, which are composed of representatives of a number of United Nations agencies, funds and programmes; possible improvements in the treaty bodies'

working methods; and possible assistance from OHCHR to the agencies. It was decided that another informal inter-agency meeting would further consider strategies for implementing the treaty bodies' concluding observations at the country level, focusing on the recommendations emanating from a specific session of a treaty body. The date of such a meeting has yet to be decided. The minutes of the second inter-agency meeting will also be made available to the chairpersons.

V. FIRST INTER-COMMITTEE MEETING

38. The chairpersons agreed that the first inter-committee meeting should be held on the subjects of methods of work and reservations to the human rights treaties (A/57/56. para. 3). Accordingly, they requested the secretariat to organize a four-day meeting at a time that would not overlap with any sessions of the treaty bodies. They expressed the view that the meeting should take place in Geneva or New York, not excluding other possibilities, and that each committee should, as far as possible, be represented by its chairperson and two other members. They further requested that the secretariat determine the dates and other details of the meeting in close consultation with the chairpersons and prepare background documents on the working methods of each treaty body.

39. The first inter-committee meeting, which will be a closed meeting - unless the participants decide otherwise - will take place on the afternoon of 26 June through 28 June 2002, following the fourteenth meeting of chairpersons. The background document has been prepared by the secretariat on the methods of work (HRI/ICM/2002/2) will be the primary topic of the meeting. It is expected that the chairperson and two other members of each treaty body will participate. At the first meeting, a chairperson will be elected and the agenda established. A report will be prepared separately from that of the fourteenth meeting of chairpersons.

Notes

[1] Office of the United Nations High Commissioner for Human Rights, The United Nations Decade for Human Rights Education 1995-2004: Lessons for Life (HR/PUB/DECADE/1998/1), 1998, p. 3.

[2] Office of the United Nations High Commissioner for Human Rights, The United Nations Decade for Human Rights Education 1995-2004, No. 3: The Right to Human Rights Education - A compilation of provisions of international and regional instruments dealing with human rights education (HRI/PUB/DECADE/1999/2), 1999, p. 1.

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